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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2001 Assembly Bill 492</b>	<b>Senate Amendment 1</b>
Memo published: February 8, 2002      Contact: Russ Whitesel, Senior Staff Attorney (266-0922)	

### Current Law

Under current law, the TEACH (Technology for Educational Achievement in Wisconsin) Board is authorized to award educational communication access grants to private schools including sectarian schools that had in effect in 1997 contracts for access to data lines or video links.

In a court decision issued on April 27, 2000 (*Freedom From Religion Foundation, Inc. v. Mark D. Bugher*, No. 99-2850), the United States Court of Appeals for the 7th Circuit affirmed a district court decision that held that awarding these grants to sectarian schools violated the establishment clause of the United States and Wisconsin Constitutions because the provision of direct aid to sectarian schools had the principle effect of advancing religion. Specifically, the 7th Circuit noted that the grant program was unconstitutional because there were no statutory provisions or administrative enforcements to ensure that the grants were not used for religious purposes.

Assembly Bill 492 provides that a recipient of an educational communications access grant may use the grant moneys awarded by the TEACH Board only for educational technology purposes and may not use grant moneys for sectarian worship, sectarian instruction or proselythization. The bill requires that each private school that receives a grant to file an annual expenditure report with the TEACH Board and requires segregation of grant moneys in a separate account that is subject to state audit. Finally, the bill requires a private school that uses the grant moneys for a prohibited purpose to reimburse the TEACH Board and provides that the private school is ineligible for additional educational communication access grants.

### Senate Amendment 1

Senate Amendment 1 makes the following changes in the original legislation:

1. Limits grants under the bill to “telecommunications access” rather than allowing grants for “educational technology purposes.”
2. Removes the requirement that “educational technology purposes” be defined by the TEACH Board by rule. The board would retain its general rule-making authority under s. 44.73 (1), Stats., but would not be required to adopt rules specifically defining “educational technology purposes.”

The amendment makes no other changes in the original legislation.

The Senate Education Committee recommended introduction and adoption of Senate Amendment 1 on a vote of Ayes, 9; Noes, 2. The committee recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 3.

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